

3. Oral Hearing Under 37 C.F.R., 1.194

- ☐ Oral hearing is hereby requested.
☐ Fee under 37 C.F.R., 1.17(d) is enclosed.

4. Extension of time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

- ☐ Appellant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$2,160.00	\$1,080.00

Extension of time fee due with this request: **\$ 0.00**

If an additional extension of time is required, please consider this a Petition therefor.

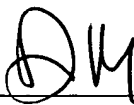
5. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge **\$ 0.00** for the fee due to Deposit Account No. 50-0310.

☒ The Commissioner is hereby authorized to charge any fees including fees due under 37 CFR 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS

By: 
David B. Hardy
Reg. No. 47,362

Date: January 9, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	
)	
Yun Bok LEE)	Confirmation No. 5647
)	
Application No.: 10/032,062)	Group Art Unit: 2815
)	
Filed: December 31, 2001)	Examiner: M. Warren
)	
For: LIQUID CRYSTAL DISPLAY HAVING)	Mail Stop Appeal Brief -
A PROTECTIVE ALIGNMENT FILM)	Patents
AND FABRICATING METHOD)	
THEREOF)	

Commissioner for Patents
U.S. Patent and Trademark Office
Mail Stop Appeal Brief - Patents
Alexandria, VA 22314

APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. § 1.193(b)(1)

Appellant filed a Notice of Appeal in the above-identified patent application on July 7, 2006. Appellant filed an Appeal Brief on August 21, 2006. This Reply Brief responds to the arguments raised in the Examiner's Answer *finally* mailed November 15, 2006. This Reply Brief is timely filed within the period for response which extends through January 15, 2007.

Summary of Examiner's Answer

The Examiner's Answer responds to Appellant's arguments presented in the Appeal Brief filed on August 21, 2006. The Examiner's Answer appears to be predicated upon several issues: (1) the combinability of Shin et al., Kim ('970), and Kim et al. ('727) in order to render at least independent claim 1 and 4 *prima facie* obvious; and the new grounds of rejection based upon the brand new introduction of Mizutome et al. (US *unknown*).

Appellant's Reply

First, Appellant respectfully asserts that there exist two (2) references that include an inventor with the last name KIM. Accordingly, care must be taken when referring to these two references. The Examiner arbitrarily references "Kim," without any differentiation between Kim ('970) and Kim et al. ('727). For purposes of this Reply Brief, reference will be made to Kim ('970) and Kim et al. ('727).

Second, Appellant maintains that the new introduction of Mizutome et al., which was not properly identified in the Examiner's Answer and not included in any PTO-892, is most certainly not permitted under MPEP § 1207.03 (III). Specifically, the Examiner now cites Mizutome et al. (US patent number known) for the express purpose of modifying the admitted deficiencies of Kim ('970). Appellants assert that the instructions provided by MPEP § 1207.03 (III) have been misinterpreted by the Examiner, and that Mizutome et al. is now being cited by the Examiner to modify Kim ('970) and/or Kim et al. ('727) in attempt to properly establish a *prima facie* case of obviousness. Not only has Appellant not been given a fair opportunity to review the reference, the Examiner has not even provided the correct US patent number! Thus, Appellant respectfully asserts that the Examiner should immediately

be directed to reopen prosecution of the present application to provide Appellant with a proper and fair opportunity to address Mizutome et al., along with providing the correct US patent number and properly cite Mizutome et al. on a PTO-892.

Third, Appellant respectfully asserts that the additional arguments set forth by the Examiner at the end of page 6 are inapposite to remedying the admitted deficiencies of Shin et al. cited in the Final Office Action. Shin et al. explicitly teaches, as shown in FIG. 2, as well as prior art FIG. 13, that capacitive coupling is required between pixel and common electrodes with an insulating layer disposed therebetween to cancel parasitic capacitance during driving of the liquid crystal cell. Specifically, as set forth in the Appeal Brief, the structures shown in FIGs. 1, 2, 13, and 14 of Shin et al., all must be formed with an insulating layer formed between the pixel electrode and common electrodes/lines to cancel parasitic capacitance during driving of the liquid crystal cell. However, in direct contrast to the required structures of Shin et al., Kim ('970) explicitly teaches, in FIG. 5, formation of pixel and common electrodes 40 and 310 formed on a gate insulating layer 50, wherein a protection insulating layer 80 is purposely formed over both the TFT structure at one end region of the pixel region (a) and a common signal line 30 at an opposing end region of the pixel region (a). Accordingly, Kim ('970) explicitly teaches forming an alignment layer 90 disposed apart from source and drain electrodes 710 and 720 of the TFT structure outside of the pixel region (a) and directly upon the pixel and common electrodes 40 and 310 within the pixel region (a).

Appellant respectfully asserts that the structures of Kim ('970) actually explicitly require formation of the protection insulating layer 80 between the alignment layer 90 and the source and drain electrodes 710 and 720. As a result, combining the taught structures disclosed by Kim ('970) with the explicit structures disclosed and required by Shin et al.

would result in a structure wherein the alignment layer of Shin et al. would not directly contact "upper surfaces of the source and drain electrodes of the thin film transistor," as explicitly required by independent claims 1 and 4. Thus, Appellant respectfully asserts that the Final Office Action, as well as the Examiner's Answer, fails to establish a *prima facie* case of obviousness with regard to at least independent claims 1 and 4.

* * * *

In view of the foregoing, as well as arguments presented in Appellant's Appeal Brief, Appellant respectfully requests the reversal of the Examiner's rejections and allowance of the pending claims. If there are any other fees due in connection with the filing of this Reply Brief, please charge the fees to our Deposit Account No. 50-0310.

If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account No. 50-0310.

Respectfully submitted,

MORGAN LEWIS & BOCKIUS LLP

By: _____



David B. Hardy
Reg. No. 47,362

Dated: January 9, 2007

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